

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-X

MADISON STOCK TRANSFER, INC.

MEMORANDUM AND
ORDER

Plaintiff,
-against-

CV 06-3926
(Wexler, J.)

NETCO INVESTMENTS, INC.
MARCO CHAVARRIA

Defendants.

-X

APPEARANCES:

MARSHALL SCHICTMAN & ASSOCIATES.
BY: MARSHALL SCHICTMAN, ESQ.
Attorneys for Plaintiff
One Old Country Road, Suite 498
Carle Place, NY 11514

SCOTT R. COHEN, ESQ.
Attorney for Defendant NetCo Investments, Inc.
One Old Country Road,
Carle Place, NY 11514

MARCO CHAVARRIA
Defendant Pro Se
Apartado 3124-1000
San Jose
Costa Rica

OLSHAN GRUNDMAN FROME ROSENZWEIG & WOLOSKY LLP
BY: HERBERT C. ROSS, ESQ.
Attorneys for Interveners AJW Partners, LLC, New Millenium Capital Patners, LLP
AJW Offshore, Ltd., and Qualified Partners, LLC

WEXLER, District Judge

Presently before the court are the following motions:

- motion to intervene
- motion for sanctions by Defendant Chavarria against Plaintiff's counsel
- motion for summary judgment
- motion to remand

Upon consideration of these motions, the court issues the following decision.

The motion to intervene was brought by AJW Partners, LLC, New Millenium Capital Patners, LLP, AJW Offshore, Ltd., and Qualified Partners, LLC. These entities seek to intervene as party defendants in this interpleader action pursuant to Rule 24 of the Federal Rules of Civil Procedure. The court's review of the motion to intervene reveals the direct interest of the proposed interveners in distribution of shares at issue in the outcome of this interpleader action. Accordingly, the motion to intervene is hereby granted. Original parties to this litigation are hereby granted 20 days from the date of this Memorandum and Order in which to answer the intervener's claims.

In light of the addition of these parties, the court makes the following rulings. The court denies the motions for summary judgment and remand without prejudice to renewal upon submission of positions to these motions by the interveners. Intervenors shall have three weeks after submission of answers to their claims to respond to the motions for summary judgment and remand. The original parties shall have two weeks in which to respond to those submissions and the interveners shall thereafter have two weeks in which to reply.

Finally, finally no sanctionable conduct based upon the submission before the court, the

court denies the motion for Rule 11 sanctions.

CONCLUSION

The motion to intervene is granted. The motion for sanctions is denied. The motions for summary judgment and remand are denied, without prejudice to renewal upon conclusion of the briefing schedule set forth herein. The Clerk of the Court is directed to terminate these motions.

SO ORDERED.

/s/

LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
March 30, 2007